

MINUTES OF MEETING
RUSH RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
OCTOBER 21, 2014

The Rush River Water Resource District met on October 21, 2014, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Raymond Wolfer, Chairman; William A. Hejl, Manager; Dick Sundberg, Manager; Carol Harbeke Lewis, Secretary-Treasury; Julie Zaeske Norman, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; Brady Woodard, Moore Engineering, Inc.; Lloyd Knight, Arnold Knight, Vernon Knight and David Strand, Amenias Township property owners.

Minutes

It was moved by Manager Hejl, seconded by Manager Sundberg and unanimously carried to approve the minutes of the September 16, 2014, meeting.

Amenias Township Improvement District No. 74

Mike Opat reviewed the Final Cost Summary for the Amenias Township Improvement District No. 74 Project. The project is now complete and came in very close to the estimated cost.

Drain #30 Channel Improvements

Mr. Opat reported that the Drain #30 Channel Improvements Project is completed, but final payment will be held until next spring to make sure the grass seeding is adequate.

SWC Cost-Share Procedures

Sean Fredricks reported on new policy implemented by the State Water Commission requiring Water Resource Districts to conduct an engineering selection process for projects exceeding a cost threshold of \$50,000. It was suggested that the Rush River Water Resource District appoint all three of its members as the Agency Selection Committee for purposes of conducting the requisite engineering selection process.

It was moved by Manager Hejl and seconded by Manager Sundberg to appoint all three members of the Rush River Water Resource District as the Agency Selection Committee, to publish a *Request for Qualifications* in *The Forum*, and to approve the *Agency Selection Committee Initial Report* to comply with new State Water Commission cost share policy. Upon roll call vote, the motion carried unanimously. The report is attached to these minutes.

Use of the Township Discharge Permit for subsurface drain applications

Mr. Fredricks presented the newly developed *Township Discharge Permit* for use by townships regarding subsurface drain applications. It was moved by Manager Sundberg and seconded by Manager Hejl to adopt and incorporate into procedures the use of the *Township Discharge Permit* form. Upon roll call vote, the motion carried unanimously.

Application For Surface Drain No. 4271 for Larry R. Roth regarding Section 18, and those portions of Sections 7 and 17 west of I-29 in Harwood Township

The Board reviewed information from the State Engineer regarding *Application for Surface Drain No. 4271* for Larry R. Roth. The Board originally received this application from the Office of the State Engineer in November of 2013; however, the Board required additional information from the Applicant before the Board could properly consider, analyze, and ultimately approve the application. Mr. Roth subsequently submitted additional information, and the Board is now prepared to approve the application. Under the application, Applicant seeks to deepen and widen existing ditches in Section 18 and in those portions of Sections 7 and 17 in Harwood Township, west of I-29, as indicated on the map provided by the Office of the State Engineer. The permitted drainage would include deepening and widening the existing ditches to a bottom width of 8 feet maximum; 4:1 side slopes; and a maximum cut of 1.4 feet. The project will ultimately outlet into Cass County Drain #13 and Cass County Drain #30 in Sections 7 and 18 of Harwood Township. According to records on file with the Cass County Recorder's office, Larry and Leone Roth own all of Section 18, and those portions of Sections 7 and 17 west of I-94.

Mike Opat prepared draft responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code, and the Board accepted the responses. The Board further determined no hearing was necessary under Section 89-02-01-09.1(2) of the North Dakota Administrative Code because the project will discharge directly into Cass County Drain #13 and Cass County Drain #30, and the discharge will not result in adverse impacts to either of the drains, both owned and operated by the Rush River Water Resource District. As a condition to the approved permit, the Board will retain the right to require operation and management regulations regarding discharge into both drains. The Board concluded that, in light of these measures, the project will not result in adverse impacts to any downstream landowners.

It was moved by Manager Hejl and seconded by Manager Sundberg to approve *Application for Surface Drain No. 4271* for Larry R. Roth, subject to the conditions attached by the Office of the State Engineer, and subject to the following conditions:

- 1) That Applicant will not construct or improve the drain in any manner that exceeds the dimensions indicated in the application, including a maximum bottom width of 8 feet; 4:1 side slopes; and a maximum cut of 1.4 feet;
- 2) That Applicant obtain an easement from the owner of any land, besides land owned by Applicant, on which Applicant will construct the drain; and

- 3) That Applicant must close all outlets into Cass County Drain #13 and Cass County Drain #30 if required by the Rush River Water Resource District to avoid adverse impacts to either drain or to downstream landowners, as determined by the Board;
- 4) That Applicant obtain written permission from the North Dakota Department of Transportation (NDDOT) to construct, operate, and maintain Applicant's project in NDDOT's I-29 right of way, or to otherwise utilize any of NDDOT's right of way;
- 5) That Applicant request permission from the Rush River Water Resource District in advance of any proposed modifications or improvements to the drain, including any increase in the capacity or drainage area affected or any increase of bottom width, side slopes, or maximum cut, and, if necessary, submitting an additional permit application; and
- 6) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Rush River WRD facilities inspection report

Brady Woodard presented the 2014 spring inspection report.

It was moved by Manager Hejl and seconded by Manager Sundberg to repair the culvert on Drain #29A on the east side of Cass County Highway 81. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Sundberg and seconded by Manager Hejl to proceed with repair work needed, as set out in the 2014 spring inspection report, not to exceed \$4,000. Upon roll call vote, the motion carried unanimously.

Mr. Woodard will inspect Drain #52 to determine if work is needed east of State Highway 18.

Utility Permit for CenturyLink to install telephone cable under the lower branch of the Rush River in Section 13 of Harmony Township

It was moved by Manager Sundberg and seconded by Manager Hejl to approve the *Utility Permit* for CenturyLink to install telephone cable under the lower branch of the Rush River in Section 13 of Harmony Township, subject to conditions provided by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Hejl and seconded by Manager Sundberg to approve payment of Checks #3969 through #3986 and the electronic funds transfers, as presented. Upon roll call vote, the motion carried unanimously.

Request from Kevin Heiden to lower the culvert into Drain #29 in the SE 1/4 of Section 35 of Wiser Township

It was moved by Manager Hejl and seconded by Manager Sundberg to approve the request from Kevin Heiden to remove and relay the culvert into Drain #29 in the SE 1/4 of Section 35 in Wiser Township on the west side of Cass County Highway 31, upon approval by the Cass County Engineer. Upon roll call vote, the motion carried unanimously.

Establishment of Project Teams for detention in the Rush River watershed

It was moved by Manager Hejl and seconded by Manager Sundberg that Manager Sundberg serve on the Project Team for detention in the Rush River watershed. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Sundberg and seconded by Hejl to appoint David Strand to serve as a member on the Project Team for detention in the Rush River watershed. Upon roll call vote, the motion carried unanimously.

Adjournment

There being no further business to be considered by the Board, it was moved by Manager Hejl, seconded by Manager Sundberg, and unanimously carried to adjourn the meeting.

APPROVED:

Raymond Wolfer
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer